

WISCONSIN LEGISLATIVE COUNCIL STAFF

RULES CLEARINGHOUSE

Ronald Sklansky
Director
(608) 266-1946

Richard Sweet
Assistant Director
(608) 266-2982



David J. Stute, Director
Legislative Council Staff
(608) 266-1304

One E. Main St., Ste. 401
P.O. Box 2536
Madison, WI 53701-2536
FAX: (608) 266-3830

CLEARINGHOUSE RULE 94-181

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated November 1991.]

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. The definition of “approval” in s. NR 140.05 (1s) may create confusion because it differs from the dictionary definition of that term. The definition in the rule provides that a document is approved when it is accepted by the department. Most readers will expect the term “approval” also to mean that the department deems the document to be satisfactory.

b. The second sentence of s. NR 140.05 (10e) is vague: what is “reinfiltration,” how is it different from “infiltration” and what are “similar methods”? [See, also, “similar methods” in sub. (10s).]

c. There is no way to determine what is the “specified degree of confidence” in s. NR 140.05 (13). It may be appropriate to indicate in a note how the degree of confidence is specified.

d. The form of the last phrase in s. NR 140.28 (3) (a) and in several other places in the proposed rule is unusual. This phrase, when used in the statutes, is normally written “public health, safety or welfare or the environment.” Another approach, which would maintain consistency with the term “public health or welfare” in ch. 160, Stats., would be to create a definition of “public welfare” in s. NR 140.05 that includes “public safety and the quality of the environment.”

e. As drafted, the relationship between s. NR 140.28 (5) and the other parts of that section is unclear. Rather than “notwithstanding subs. (1) to (4),” a better phrase appears to be

“in lieu of an exemption under subs. (2) to (4),”. For additional clarity, the first two sentences of s. NR 140.28 (5) (a) could be combined: “...at a point of standards application, if the owner or operator of a facility, practice or activity is undertaking a remedial action....”

f. In s. NR 140.28 (5) (a), “in writing” should be deleted because the definition of “approval” requires that it be in writing.

g. In s. NR 140.28 (5) (c) 1 and 5, it appears that a comma should be inserted after each occurrence of the word “material.”

h. In s. NR 140.28 (5) (f) 1, the word “must” should be replaced by the word “shall.”

i. In s. NR 149.14 (3) (d) (intro.), the phrase “of either” should be replaced by the phrase “of any of the following.” Each subdivision then can conclude with a period.

j. If the first sentence of s. NR 140.28 (5) (e) (intro.) is meant to restrict when the department may grant a temporary exemption, “only” should be inserted after “may.”